

3:30 P.M., Ohio County Community Center, Hartford, Ky

Meeting called to order by Judge Executive David Jones. Prayer by Magistrate Jason Bullock. Pledge to the American flag.

Those present were as follows:

| | |
|-------------------|-----------------------|
| David G. Jones | Judge Executive |
| Gregory B. Hill | County Attorney |
| Cheryl Morris | Fiscal Court Clerk |
| Hayward D. Minton | Magistrate District 1 |
| Jason Bullock | Magistrate District 2 |
| Richard Robinson | Magistrate District 3 |
| Larry Keown | Magistrate District 4 |
| Bill Burden | Magistrate District 5 |

Motion made by Esq. Burden that the Court approve the minutes of the special call meeting on July 21, 2009 as presented. The regular meeting scheduled for July 14, 2009 was canceled due to a death in the Judge’s family. (on file in Fiscal Court Order Book, Clerk’s office)

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

| | |
|----------|-----|
| Minton | Yes |
| Bullock | Yes |
| Robinson | Yes |
| Keown | Yes |
| Burden | Yes |
| Jones | Yes |

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the bills, claims, payments and transfers as presented (copy on file, Clerk’s office).

The motion was seconded by Esq. Minton and after discussion of said motion the vote being called for was as follows:

| | |
|----------|-----|
| Minton | Yes |
| Bullock | Yes |
| Robinson | Yes |
| Keown | Yes |
| Burden | Yes |
| Jones | Yes |

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court adopt a Resolution endorsing the relocation of Bennett Cemetery with a stipulation that a copy of the final interment report is filed in the Miscellaneous Book in the County Clerk’s office (copy of Resolution is attached).

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

| | |
|----------|-----|
| Minton | Yes |
| Bullock | Yes |
| Robinson | Yes |
| Keown | No |
| Burden | Yes |
| Jones | Yes |

Said motion having carried five (5) to one (1) it is so ordered.

Motion made by Esq. Keown that the Court approve the second reading and adoption of Ordinance No. 2010-3 regarding a loan from KACo for the financing of the new ambulance service building: AN ORDINANCE APPROVING A LEASE FOR THE FINANCING OF A PROJECT; PROVIDING FOR THE PAYMENT AND SECURITY OF THE LEASE; CREATING A SINKING FUND; AND AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS RELATED TO SUCH LEASE (copy on file in Ordinance Book, Clerk’s office).

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

| | |
|----------|-----|
| Minton | Yes |
| Bullock | Yes |
| Robinson | Yes |
| Keown | Yes |
| Burden | Yes |
| Jones | Yes |

And said motion was unanimously adopted, and it is so ordered.

REGULAR

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AUGUST 2009

Motion made by Esq. Keown that the Court approve the Policy & Procedures Manual for the Ohio County Detention Center currently in place (copy in Detention Center).

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

| | |
|----------|-----|
| Minton | Yes |
| Bullock | Yes |
| Robinson | Yes |
| Keown | Yes |
| Burden | Yes |
| Jones | Yes |

And said motion was unanimously adopted, and it is so ordered.

Recommendation by Judge Jones that the Court approve to appoint Karen Ray to the Ohio County Library Board for a four year term to expire June 30, 2013 to replace Layce Kassinger whose term expired.

Roll call vote:

| | |
|----------|-----|
| Minton | Yes |
| Bullock | Yes |
| Robinson | Yes |
| Keown | Yes |
| Burden | Yes |
| Jones | Yes |

And said recommendation was unanimously approved, and it is so ordered.

Recommendation by Judge Jones that the Court approve to reappoint Mary Pat Donlon to the Ohio County Library Board for a four term to expire June 30, 2013.

Roll call vote:

| | |
|----------|-----|
| Minton | Yes |
| Bullock | Yes |
| Robinson | Yes |
| Keown | Yes |
| Burden | Yes |
| Jones | Yes |

And said recommendation was unanimously approved, and it is so ordered.

Motion made by Esq. Keown that the Court approve to advance funds in an amount up to \$15,000 to the Ohio County Firefighter’s Association from monies received from FEMA reimbursements.

The motion was seconded by Esq. Minton and after discussion of said motion the vote being called for was as follows:

| | |
|----------|-----|
| Minton | Yes |
| Bullock | Yes |
| Robinson | Yes |
| Keown | Yes |
| Burden | Yes |
| Jones | Yes |

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court approve to add the Sheriff/Deputy Patrol Monthly Mileage expenses to the list of Preapproved Recurring Expenses.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

| | |
|----------|-----|
| Minton | Yes |
| Bullock | Yes |
| Robinson | Yes |
| Keown | Yes |
| Burden | Yes |
| Jones | Yes |

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the following Fiscal Court Order setting the public hearing date regarding the permanent closing of C-620 Daniels Mine Road:

OHIO COUNTY FISCAL COURT ORDER

An Order of the Court having been approved at the June 23, 2009 Fiscal Court Meeting to permanently close “Daniels Mine Road” (County Road C-620) as set forth in the Court Order.
Pursuant to the provisions of KRS 178.070, the Court directs the Ohio County Judge Executive to do the following:

- 1) The Judge Executive shall cause to be published a Notice as required by law and the placement of the Notice at three prominent and visible public places, each within one mile of the road.
- 2) The Fiscal Court hereby appoints W. L. Decker and Walt Beasley as two viewers who along with the Ohio County Road Foreman shall view and inspect the road ordered to be permanently closed and after the required Notice and publication, report to the Fiscal Court in writing at a public hearing to be held at the hour of 3:30 p.m. on Tuesday, August 25, 2009, what inconvenience, if any, would result from the permanent closing of Daniels Mine Road so ordered.

A vote of the Fiscal Court was taken as follows:

| VOTE: | YES | NO |
|----------|--------------|---------------|
| Minton | <u> X </u> | <u> </u> |
| Bullock | <u> X </u> | <u> </u> |
| Robinson | <u> X </u> | <u> </u> |
| Keown | <u> X </u> | <u> </u> |
| Burden | <u> X </u> | <u> </u> |
| Jones | <u> X </u> | <u> </u> |

This the 4th day of August 2009.

David G. Jones
Ohio County Judge Executive

The motion was seconded by Esq. Bullock and after discussion of said motion the vote being called for was as follows:

| | |
|----------|-----|
| Minton | Yes |
| Bullock | Yes |
| Robinson | Yes |
| Keown | Yes |
| Burden | Yes |
| Jones | Yes |

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve to appropriate \$750 to Audubon Area Senior Services for their Foster Grandparent Program for FY 2009-2010.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

| | |
|----------|-----|
| Minton | Yes |
| Bullock | Yes |
| Robinson | Yes |
| Keown | Yes |
| Burden | Yes |
| Jones | Yes |

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court approve to reclassify the employees hired under the Declaration of Local State of Emergency for storm debris removal efforts from Temporary to Temporary Emergency status; acknowledge that temporary emergency employees are exempt from the six-month limitation applying to temporary employees as provided for in Administrative Code Ordinance 2009-3; and recognize that their employment will end when the ice storm cleanup efforts are completed.

The motion was seconded by Judge Jones and after discussion of said motion the vote being called for was as follows:

| | |
|----------|-----|
| Minton | Yes |
| Bullock | Yes |
| Robinson | Yes |
| Keown | Yes |
| Burden | Yes |
| Jones | Yes |

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court move Teman Cornett from Crew Leader Chipper #2 to CDL Truck Driver at his current rate of pay effective 7/27/09.

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

| | |
|----------|-----|
| Minton | Yes |
| Bullock | Yes |
| Robinson | Yes |
| Keown | Yes |
| Burden | Yes |
| Jones | Yes |

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the following Resolution reprioritizing the 2009-2010 LGEDF coal severance fund projects:

RESOLUTION
COUNTY OF OHIO

A RESOLUTION OF THE COUNTY OF OHIO, KENTUCKY PRIORITIZING PROJECTS TO BE FUNDED WITH SINGLE-COUNTY COAL SEVERANCE FUNDS, AUTHORIZING THE COUNTY JUDGE EXECUTIVE TO ENTER INTO AGREEMENTS WITH THE GOVERNOR’S OFFICE FOR LOCAL DEVELOPMENT (GOLD) FOR THE PROJECTS, AND TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY GOLD TO FACILITATE THE PROJECTS AND TO ACT AS THE AUTHORIZED CORRESPONDENT FOR THE PROJECTS.

WHEREAS, the 2008 General Assembly enacted HB 410 which contains therein certain designated projects to be funded with single-county coal severance funds; and,

WHEREAS, it is recognized that these projects impose certain obligations and responsibilities upon the County,

NOW, THEREFORE, BE IT RESOLVED BY THE OHIO COUNTY FISCAL COURT, this 4th day of August 2009, the County Judge Executive is hereby authorized to execute and furnish all required documentation, including memorandums of agreement and interlocal agreements where needed, as may be required by GOLD for the furtherance of said projects and to act as the authorized correspondent for said projects as follows:

Section 1. The following projects are hereby officially identified and prioritized in **Fiscal Year 2009-2010** for implementation:

- | | | |
|----|---|----------|
| 1. | #505 Purchase Ambulance | \$85,000 |
| 2. | #509 Road Department-Purchase Tractor & Mower | \$95,000 |
| 3. | #502 Ohio County Sports Complex | \$50,000 |

BY: _____
DAVID JONES
OHIO COUNTY JUDGE EXECUTIVE

ATTEST:

CHERYL MORRIS
OHIO COUNTY FISCAL COURT CLERK

The motion was seconded by Esq. Minton and after discussion of said motion the vote being called for was as follows:

| | |
|----------|-----|
| Minton | Yes |
| Bullock | Yes |
| Robinson | Yes |
| Keown | Yes |
| Burden | Yes |
| Jones | Yes |

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the first reading of Ordinance No. 2010-1-A - Budget Amendment to include unbudgeted rural secondary road fund allocation monies.

The motion was seconded by Esq. Minton and after discussion of said motion the vote being called for was as follows:

| | |
|----------|-----|
| Minton | Yes |
| Bullock | Yes |
| Robinson | Yes |
| Keown | Yes |
| Burden | Yes |
| Jones | Yes |

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve to go into Closed Session for the discussions of pending litigation on behalf of the Fiscal Court. No other business will be discussed during the Closed Session and no official action shall be taken or consensus made by the Fiscal Court. The legal authority that allows us to go into Closed Session is KRS 61.810(1)(c) which authorizes the Fiscal Court to have discussions of proposed or pending litigation against or on behalf of the public agency. The legal reason we are going into Closed Session is for discussion of pending litigation.

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

| | |
|----------|-----|
| Minton | Yes |
| Bullock | Yes |
| Robinson | Yes |
| Keown | Yes |
| Burden | Yes |
| Jones | Yes |

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve to go back into Open Session. No other business was discussed or action taken during the Closed Session except what was stated by me before going into Closed Session regarding pending litigation.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

| | |
|----------|-----|
| Minton | Yes |
| Bullock | Yes |
| Robinson | Yes |
| Keown | Yes |
| Burden | Yes |
| Jones | Yes |

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the first reading of Ordinance No. 2010-4: AN ORDINANCE AUTHORIZING AND DIRECTING THE RETENTION OF ONE PERCENT (1%) OF ALL OCCUPATIONAL LICENSE FEES DUE AND PAYABLE TO OHIO COUNTY, KENTUCKY FROM THE SALARIES, WAGES AND OTHER COMPENSATION TO BE PAID TO THE EMPLOYEES OF ARMSTRONG COAL COMPANY, INC., ITS SUBSIDIARIES AND AFFILIATES (“COMPANY”), PROVIDED SAID COMPANY PERFORMS AND AGREEMENT FOR ECONOMIC INCENTIVES ENTERED INTO BETWEEN THE COMPANY AND THE KENTUCKY ECONOMIC DEVELOPMENT FINANCE AUTHORITY PURSUANT TO THE TERMS OF THE KENTUCKY INDUSTRIAL REVITALIZATION ACT.

Motion died for lack of second.

Motion made by Esq. Robinson that the Court approve to add the following projects to the prioritization list for new waterline expansions or additions:

| Road Name | Distance | Size of Line | Estimate |
|--------------------|------------|--------------|----------|
| Flener Lane | 5,012 feet | 2” | \$42,000 |
| Kirtley River Lane | 9,100 feet | 3” | \$74,000 |
| Bishop Lane | 2,532 feet | 3” | \$30,000 |
| Kronos (Hwy 69) | 6,474 feet | 3” | \$52,000 |
| Smallhouse Lane | 2,000 feet | 3” | \$35,000 |

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

| | |
|----------|-----|
| Minton | Yes |
| Bullock | Yes |
| Robinson | Yes |
| Keown | Yes |
| Burden | Yes |
| Jones | Yes |

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Bullock that the Court approve to add approximately 6,300 feet on Rob Roy Road to the prioritization list for a new 4” waterline expansion at an estimated cost of \$32,600.

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

| | |
|----------|-----|
| Minton | Yes |
| Bullock | Yes |
| Robinson | Yes |
| Keown | Yes |
| Burden | Yes |
| Jones | Yes |

And said motion was unanimously adopted, and it is so ordered.

REGULAR

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AUGUST

2009

Motion made by Esq. Minton that the Court approve to add approximately 2,700 feet on Maple Leaf Lane (serving 12 families) to the prioritization list for a new 3” waterline expansion at an estimated cost of \$18,285.

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

| | |
|----------|-----|
| Minton | Yes |
| Bullock | Yes |
| Robinson | Yes |
| Keown | Yes |
| Burden | Yes |
| Jones | Yes |

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the meeting is adjourned.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

| | |
|----------|-----|
| Minton | Yes |
| Bullock | Yes |
| Robinson | Yes |
| Keown | Yes |
| Burden | Yes |
| Jones | Yes |

And said motion was unanimously adopted, and it is so ordered.

Meeting is adjourned.

David Jones, Judge Executive

Cheryl Morris, Fiscal Court Clerk